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Thomas P. Vita, Jr.

Date: March 24, 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. 10/788,624

Examiner: Alexandra K Pechhold

Inventor: Troy L. Cooper

Attorney Docket No.: 17319

Filing Date: February 27, 2004

Art Unit: 3671

Confirmation No. 6525

Title: *Scraper for Tillage Implement*

PETITION UNDER 37 C.F.R. § 1.137(b) FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY

Mail Stop - Petitions Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

A Final Office Action was issued in the above application on July 13, 2005.

Applicant responded to the Final Office Action on September 13, 2005. The Examiner issued an Advisory Action on September 30, 2005 indicating that the request for reconsideration was considered but did not place the application in condition for allowance. Applicant unintentionally failed to respond to the outstanding Office Action within the statutory time period so as to place the

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01 FC:1453
02 EC:1801

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application in condition for allowance. As such, the above-identified application became abandoned.

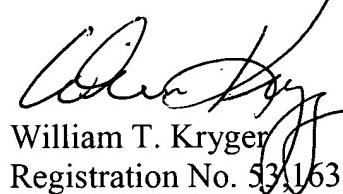
Applicant, through its undersigned representative, hereby petitions to revive the above-identified patent application on the grounds that said abandonment was unintentional, withdraw the Notice of Abandonment, and reinstate this application. 37 CFR §1.137(b) permits revival of a patent application that becomes unintentionally abandoned through an applicant's failure to file a reply to an outstanding action or notice. It requires, *inter alia*, that the petition for revival must be accompanied by a reply to the outstanding action or notice. The U.S. Patent and Trademark Office construes a "reply" as any combination of materials "sufficient to have avoided abandonment, had it been timely filed." See MPEP §711.03(c). Hence, attached is a responsive reply attached hereto.

Applicant hereby states that the entire delay in filing the required reply, from the October 13, 2005 due date for replying to an outstanding action until the filing of this petition under 37 CFR §1.137(b), was unintentional.

In light of the foregoing, grant of this petition and revival of the above-identified patent application are believed to be in order and are respectfully requested. Should the Director have any remaining questions, he is requested to contact the undersigned at the telephone number appearing below.

A petition fee of \$1,500 is enclosed in accordance with 37 CFR 1.17(m). Nevertheless, the Director is hereby authorized to charge payment of any other fees associated with this communication or credit any overpayment to Deposit Account No. 50-1170.

Respectfully submitted,



William T. Kryger
Registration No. 53,163

Date: March 24, 2006

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